

REMARKS/ARGUMENTS

Claims 1 and 4-14 are pending in this application and presented for examination. Claim 4 was amended to update its dependency in view of the previous cancellation of claim 3. No new matter has been entered with the foregoing amendment. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(a)

The Examiner has rejected claims 1 and 4-14 under 35 U.S.C. § 103(a) as allegedly being obvious over WO 03/009,831 ("Shinoda *et al.*") in view of Ishibashi *et al.* In response, Applicants respectfully traverse the rejection.

The current application and Shinoda *et al.*, at the time the invention of the subject application was made, were owned by Yamanouchi Pharma Co., Ltd. ("now Astellas Pharma Inc.) 35 U.S.C. § 103(c) 1 states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Therefore, Shinoda *et al.* is disqualified as prior art. Ishibashi *et al.* does not supply the deficiency of the primary reference. As the Examiner pointed out in the previous office action, Ishibashi *et al.* do not teach or suggest tamsulosin or a tamsulosin salt as is currently claimed. Further, there is no teaching or suggestion of a tablet which disintegrates in the buccal cavity.

The present invention provides particles used in tablets of tamsulosin or a salt that exhibit good disintegration in the buccal cavity and to obtain a dissolution profile that is appropriate. These limitations are not taught or suggested in the reference. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

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Amdt. dated February 29, 2008
Reply to Office Action of November 16, 2007

PATENT

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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